

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1710.01
COMPLAINT INVESTIGATOR: Sandie Scudder
DATE OF COMPLAINT: March 13, 2001
DATE OF REPORT: April 2, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 26, 2001

COMPLAINT ISSUES:

Whether the Northern Community Schools of Tipton County and the Kokomo Area Special Education Cooperative violated:

- 511 IAC 7-25-7 with regard to the school's alleged failure to conduct an occupational therapy evaluation and convene the case conference committee (CCC) within 60 instructional days of the date of written parental consent.
- 511 IAC 7-28-1(f) with regard to the school's alleged failure to conduct an occupational therapy evaluation or provide occupational therapy services in the absence of a doctor's statement or prescription.
- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written.
- 511 IAC 7-27-4(c) with regard to the school's alleged failure to utilize the CCC to revise the annual goals and short-term objectives in the student's IEP.
- 511 IAC 7-27-3(a) with regard to the school's alleged failure to include a general education teacher as participant in the CCC meeting.

FINDINGS OF FACT:

1. The student (Student) is 13 years old and eligible for special education services as a student with a Learning Disability and a Communication Disorder.
2. The Complainant signed an Occupational Therapy Permission to Evaluate form (O.T. form) on October 10, 2000. The coordinator for special services kept the O.T. form to attach to the doctor's orders.
3. When the Coordinator learned that doctor's orders were not required, the Coordinator notified the special education office on February 5, 2001, and the referral was sent to the Director of Special Education's office on February 6, 2001. The occupational therapy evaluation occurred on February 5, 2001, and was discussed at the February 26, 2001, CCC meeting. More than sixty instructional days elapsed before the OT evaluation was conducted.
4. The goal pages of the IEP form contain a section to indicate the rating or progress on each of the

goal's short-term objectives. A number code is used to delineate such progress, and the number "6" is used to designate that an objective has been discontinued and is no longer being worked on with the student. Other numbers are used to indicate levels of achievement from beginning progress to mastery. On the IEP dated August 31 and September 1, 2000, the teacher indicated by the progress code ("6") that two objectives had been discontinued. These objectives are for goals related to written language and reading. In following the school curriculum, the Student participated in literature the first semester and grammar the second semester. The teacher stopped implementing these two short-term objectives as a result of the semester curriculum change. The Parent was unaware of the school curriculum change, nor was it written in the IEP that these short-term objectives would not be implemented until mastered by the Student. Since this was a school-wide curriculum change the special education teacher did not view it as a CCC decision.

5. The February 26, 2001, IEP indicates that one of the student's general education teachers was invited to attend the CCC. The general education teacher named on the Prior Written Notification of Case Conference/Annual Case Review Meeting form was absent the day of the conference, and another of the student's general education teachers was asked to attend.
6. Due to the lack of teacher substitutes, the general education teacher was not expected to attend the entire conference. However, the CCC meeting completed its work and adjourned, but failed to notify the general education teacher that his attendance was required until the meeting had concluded. Upon his arrival, the CCC summarized the meeting asking the general education teacher for input concerning the Student. The general education teacher then signed the IEP.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the Occupational Therapy Permission to Evaluate form was signed on October 10, 2000. Because of a misunderstanding concerning the requirements for evaluation, the occupational therapy evaluation did not occur until February 5, 2001, and the CCC did not convene until February 26, 2001. Therefore, violations of 511 IAC 7-25-7 and 511 IAC 7-28-1(f) occurred.
2. Finding of Fact #4 indicates the Student's IEP contained two short-term objectives that were implemented during the first semester but were unilaterally discontinued by the teacher when the curriculum changed in the second semester. The Student had not yet mastered these short-term objectives, and the IEP did not specify that implementation of these short-term objectives was limited to the first semester. The CCC did not convene to determine if these short-term objectives should be discontinued, and the Student's unique needs were not considered in this process. Because the IEP was not implemented as written and the CCC did not convene to revise the IEP, violations of 511 IAC 7-27-7(a) and 511 IAC 7-27-4(c) occurred.
3. Findings of Fact #5 and #6 indicate that the general education teacher did not attend the actual CCC meeting on February 26, 2001, but arrived after the meeting was adjourned. Although the CCC summarized information for the general education teacher, a violation of 511 IAC 7-27-3(a) occurred.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Northern Community Schools of Tipton County and the Kokomo Area Special Education Cooperative shall:

1. provide an inservice for appropriate school personnel regarding the following requirements:

- a. A doctor's prescription is not necessary for an Occupational Therapy Evaluation to be administered. The therapy evaluation and the CCC meeting must take place within 60 instructional days of the date of the written parental consent.
- b. Reconvene the CCC before making changes in a student's IEP.
- c. One of the student's general education teachers is required to participate in the CCC meeting.

Documentation in the form of the in service training agenda, along with a sign-in sheet of all attendees, by name and title, shall be submitted to the Division no later than April 30, 2001

DATE REPORT COMPLETED: April 2, 2001